

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, MARCH 7th, 2007
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The regular meeting of Borough Council was conducted on Wednesday, March 7th, 2007 at approximately 7:00 P.M. The Meeting was held in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna, Commonwealth of Pennsylvania. Council members in attendance were Council President Donald H. Moyer, III, Councilperson Gerry Carey, Councilman James Colman, Councilman Roy Davis, Councilman Ray Taylor, and Councilman Patrick Williams. Also attending were Borough Manager/Secretary, Virginia Kehoe and Police Chief Louis Vitale. Absent: Council Vice President Margaret (Peg) Jackson, Mayor Harry Kelly, and Borough Solicitor Bolock. There being a quorum present the Meeting was called to order by Council President, followed by a brief period of self-directed mediation and then the Pledge of Allegiance lead by President Moyer.

APPROVAL OF AGENDA:

Motion made by Mr. Roy Davis, seconded by Mr. Williams to accept the agenda as presented. Discussion: None. Motion carried 6-0.

APPROVAL OF MINUTES: Motion made by Mr. Taylor, seconded by Mr. Colman to approve the minutes of the February 7, 2007 Regular Council Meeting. Discussion: None. Motion carried 6 – 0.

PRESENTATION TO RICHARD ARMBRUST: President Moyer presented a framed resolution to Mr. Armbrust for his many years of service to the Borough, serving as Police Chief and as an elected member of Council.

BIDS & QUOTATIONS: None

TREASURER'S REPORT: Motion made by Mr. Taylor, seconded by Mrs. Carey to accept the Treasurer's Report for February, 2007. Discussion: None. Motion carried 6 – 0.

COMMITTEE REPORTS:

FEMA – President Moyer publicly thanked Borough Manager Virginia Kehoe and the Borough's EMA Officer, Herman Johnson for their work in gathering records and documents and taking FEMA officials through the town to look at damage from the November, 2006 storm. As a result, an emergency was declared by President Bush and Clarks Summit will be reimbursed close to \$40,000 for expenses due to this storm. Councilman Williams added his thanks to the members of the Clarks Summit DPW staff for their excellent work.

SCRANTON-ABINGTONS PLANNING ASSOCIATION (SAPA) AND ABINGTON COUNCIL OF GOVERNMENTS (ACOG): Mrs. Carey gave a report on the storm water issue that both these bodies are working on. Storm water starts uphill and we are all affected. SAPA and ACOG are sponsoring a public meeting in either late May or early June with speakers from Villanova University and Penn State University. Information will be given to the media when dates are confirmed.

POLICE REPORT: - Chief Vitale gave the Police Report for February, 2007. Councilman Roy Davis asked the Chief if there is a defibrillator carried in the 4-wheel drive Explorer and are all officers certified and able to use it. Chief Vitale answered yes, that is part of their CPR training and they are all certified. Mr. Colman inquired about the out of service police car. Ms. Kehoe said the car was advertised, put out for bid, and a gentleman from Philadelphia had the high bid but no money was ever received. The car is still being stored. President Moyer asked Ms. Kehoe to investigate with the Borough Solicitor if we can then go to the second highest bidder. Borough resident Herman Johnson asked how many hours of overtime were worked in February. Chief Vitale responded that 151.5 hours of overtime were put in and it was due to one full-time officer being out, and covering for sick and vacation days.

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BILLS TO BE PAID:

General Fund: YTD disbursements approved by Council as of 2/7/07 - \$96,721.31; Feb 1 to Feb. 28, 2007 disbursements TO BE approved by Council - \$129,157.22; Total YTD disbursements as of 2/28/07 approved by Council - \$225,878.53. **Payroll Disbursements:** YTD disbursements approved by Council as of 2/7/07 - \$64,698.41; Check dates 2/8/07, 2/22/07 payroll TO BE approved by Council - \$62,311.03. Total YTD disbursements as of 2/28/07 approved by Council - \$127,009.44. **Sewerage Fund:** YTD disbursements approved by Council as of 2/7/07 - \$13,054.03. Feb. 1 to Feb. 28, 2007 disbursements TO BE approved by Council - \$1,282.05. Additional check #10140 dated 1/22/07 to L. J. Milo - \$14,958.49. Total YTD disbursements as of 2/28/07 approved by Council - \$29,294.57. **Liquid Fuels Fund:** Total YTD disbursements as of 2/28/07 approved by Council - 0. **Capital Reserve Fund:** YTD disbursements approved by Council as of 2/7/07 - \$525,000.00 (Disbursement represents new CD in capital fund.) Feb. 1 to Feb. 28, 2007 disbursements to be approved by Council - 0. Total YTD disbursements as of 2/28/07 approved by Council - \$525,000.00. Motion made by Mr. Taylor, seconded by Mr. Roy Davis to pay all bills and approve report. Discussion: None. Motion carried 6 - 0.

OLD BUSINESS:

Borough Newsletter – Borough Manager Virginia Kehoe gave an update on the status. The first draft has been received, changes/corrections are being made and it should be out soon.

Joint Sewer Authority Request –Ms. Kehoe said that the Joint Sewer Authority requested a letter from the Borough pertaining to their appeal for help with the infiltration issues. They asked for an update on what the Borough has done already and what our plans are for the future to alleviate infiltration. Ms. Kehoe prepared a letter indicating what the Borough has already done and the projects that are planned for the future and distributed copies to all Council members. Mr. Colman suggested that the three municipalities have a meeting to discuss their existing sewer ordinances and discuss what kind of information and/or letter should be mailed to residents of the communities regarding sump pumps and storm drains that are hooked to the sewer. It was also announced that the Joint Sewer Authority and DEP will have a closed meeting on March 22, 2007 to update DEP on what progress has been made. Councilman Roy Davis stated he felt that more direction should be coming from the Sewer Authority; they should be coming down to us with one common ordinance that says, you shall; you will; you must. Council asked Virginia Kehoe to set up another meeting with the municipalities to continue the discussion because the prior meeting was so informative and excellent.

Ordinance 2007-01 Requiring Landlords of Dwelling Units to File Reports Listing All Rental or Rentable Units, tenants or Occupiers thereof, and any subsequent change therein. – Councilman Taylor said that the purpose of doing this was to identify who is in apartments and rented properties through the responsibility of the landlord, to make sure that all residents are paying their fair share of taxes. He reported that during a work session on February 28, 2007, changes were suggested in the ordinance. He said there is no longer a fee required for the reporting; they changed the wording from 30 days to 90 days after the date of adoption of the ordinance for it to become effective, and the “commercial” wording was removed so that the ordinance only requires registration for residential dwelling units. A resident asked from the audience, who was going to enforce the new ordinance. Mr. Moyer stated that they’re working on that portion right now and getting a new Code Enforcement Officer for the Borough. Mr. Taylor recommended that the form that goes out to the landlords be very user friendly and not filled with a lot of “legalese”. Motion made by Mr. Roy Davis, seconded by Mrs. Carey to adopt Ordinance 2007-01 known as the Landlord Ordinance. Discussion: A discussion was held regarding privacy issues. President Moyer noted that the ordinance was written by the Borough Solicitor and it’s his obligation to make sure that the ordinance is legal. Motion carried 6 - 0.

NEW BUSINESS:

Resolution 2007-06 – authorizing the Lackawanna County Board of Commissioners to submit a REVISION of the Clarks Summit Federal Fiscal Year 2002 Community Development Block Grant Program to the Pennsylvania Department of Community and Economic Development and transfer \$21,660.00 from the Housing Rehabilitation

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line item to create the Removal of Architectural Barriers line item for the Little League Handicapped Access Restroom Project. Motion made by Mr. Taylor, seconded by Mr. Colman to adopt Resolution 2007-06 and authorize the transfer of \$21,660.00. Discussion: None. Motion carried 6 – 0.

Resolution 2007-07 – FEMA Agent – authorizing Borough Manager/Secretary Virginia Kehoe to execute documents for and in the behalf of the Borough of Clarks Summit for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the November, 2006 storm. Motion made by Mr. Colman, seconded by Mr. Williams to adopt Resolution 2007-07. Discussion: None. Motion carried 6 – 0.

BOROUGH SEWER REPORT: The Borough Sewer Report for February 1 through February 28, 2007 was before Council. Motion made by Mr. Roy Davis, seconded by Mrs. Carey to approve the report. Discussion: None. Motion carried 6 – 0.

SOLICITOR’S REPORT: The Borough Solicitor’s written report was before Council and was reviewed.

CORRESPONDENCE: None.

PUBLIC COMMENT

Herman Johnson, Borough resident, noted that he read in the newspapers that there was a bomb threat received at the high school. He asked if any of our departments were notified because the fire department was not notified and he felt we should work on developing better communications with South Abington Township.

Jamie Kresge, Borough resident, asked for an update on the status of the Zoning Officer. President Moyer said that an announcement should be made very soon because an Executive Session for Personnel would be held immediately following tonight’s meeting.

Laurelwood Apartments – Mr. Richard Bishop spoke to Council and said that about two years ago Laurelwood Apartment, in South Abington Township, applied for an expansion of three buildings. The project was preliminarily approved at South Abington Township subject to having acceptance of the sewage that would be generated by Laurelwood. In 2005, Clarks Summit asked the developer to test the lines, both at Laurelwood and some of the connecting lines in Clarks Summit, which he did at great expense to himself and was done by “Mr. Rehab” Company. There are pictures and photographs of those lines. The camera study showed some issues with the Laurelwood lines but primarily issues with a couple of the Borough’s lines that are rather old. The builder was told that nothing could go forward until the Borough resolved its issues concerning the main sewer line along the railroad tracks. We’ve heard that the project is moving along and will hopefully be completed by this summer. Mr. Bishop stated that they still have a need to connect to the sewer system. The builder has received a letter from the Borough Engineer stating that there are problems with some of the area’s lines, particularly with those on Melrose Avenue, which is where the Laurelwood connection would be made. His question is, what is the plan, if any, for the Borough to take care of the lines that apparently need repair or replacement?

President Moyer stated that the Borough did not request that the builder camera Laurelwood’s lines; South Abington’s Engineer, Bill Karam, made that requirement. We requested that you camera our lines because you were going to add extra sewerage onto our lines; we wanted to make sure, first of all, that we could handle it. He said other property owners in other municipalities, have offered to help us with some of our problems. We asked the same of you. We asked that if you were going to bring on 32,000 extra gallons of sewerage, we asked if you could fix 32,000 gallons somewhere on our lines, we would consider your request. We keep taking on extra sewerage from other municipalities that is hindering our system so we’re asking you to help us out a little bit. If there is a break in the line on Melrose, maybe you can fix the line and that would help everybody. Mr. Moyer agreed to have another meeting with Mr. Bishop and the builder to discuss this.

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EXECUTIVE SESSIONS:

President Moyer reported that one Executive Session had been held at the conclusion of the February 28, 2007 Special Council meeting to discuss litigation and personnel and one will be held at the conclusion of tonight's meeting on February 28, 2007 to discuss pending litigation and personnel. None were scheduled subsequent.

ADJOURNMENT:

Motion made by Mr. Taylor, seconded by Mr. Williams to adjourn the meeting. Discussion: None. Motion carried 6 – 0.

Respectfully submitted,

**Virginia Kehoe
Borough Secretary**

**Donald H. Moyer, III
Council President**